

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RONALD JACKSON,	:	CIVIL ACTION
	:	
Plaintiff,	:	NO. 07-2164
	:	
v.	:	
	:	
JEFFERY A. BEARD, PH.D, et al.,	:	
	:	
Defendants.	:	

MEMORANDUM AND ORDER

BUCKWALTER, S. J.

September 16, 2008

Defendants served the present Motion to Dismiss, Strike, and For Summary Judgment on July 31, 2008. Plaintiff's answer was due on August 14, 2008, but as of the date of this Memorandum and Order, Plaintiff has not responded. Consequently, the following order is entered:

AND NOW, this 16th day of September, 2008, upon consideration of the Motion to Dismiss, Strike, and For Summary Judgment on Exhaustion Issues by Defendants CO1 Baratta, Sgt. Berlew, Hearing Examiner Canino, Lt. Cavalari, CO1 Faith, CO1 Gola, Lt. Golden, Lt. Hawkins, CO1 Hunter, CO1 Laubmeier; CO1 Laurie, CO1 Mathis, and CO1 Singleton, it is hereby **ORDERED** that said motion (Docket No. 66) is **GRANTED**. The following claims and Defendants are dismissed:

1. All claims against Singleton, Nedab, Golden, Hawkins and Cavalari.
2. The claims against Canino based on 2005 events.
3. All claims against Gola and Berlew except for excessive use of force.

4. All Fourth and Fifth Amendment claims.
5. All claims for injunctive and declaratory relief.
6. All claims for compensatory damages except for excessive force claims against Baratta, Hunter, Berlew, Laurie and Faith.

The Affidavit in Plaintiff's Exhibit P4 is hereby **STRICKEN**.

Plaintiff's factual allegations as stated in the motion to dismiss the amended complaint shall be treated as constituting all the factual allegations in the amended complaint.

The remaining defendants shall answer the amended complaint within 20 days from the date of this Order.

IT IS SO ORDERED.

BY THE COURT:

s/ Ronald L. Buckwalter

RONALD L. BUCKWALTER, S. J.